

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

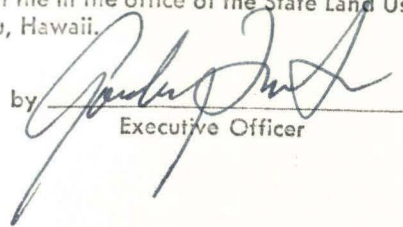
In the Matter of the )  
Petition for Special Permit )  
of MAUNA ZIONA CHURCH/ )  
STATE DEPARTMENT OF LAND )  
AND NATURAL RESOURCES )  
 )  
 )  
 )

SP79-344  
MAUNA ZIONA CHURCH/  
STATE DEPARTMENT OF  
LAND AND NATURAL RESOURCES

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This is to certify that this is a true and correct copy of the  
Decision and Order on file in the office of the State Land Use  
Commission, Honolulu, Hawaii.

SEP 7 1979  
Date

by   
Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the	)	SP79-344
Petition for Special Permit	)	
of MAUNA ZIONA CHURCH/	)	FINDINGS OF FACT,
STATE DEPARTMENT OF LAND	)	CONCLUSIONS OF LAW AND
AND NATURAL RESOURCES	)	DECISION AND ORDER
	)	
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The Land Use Commission of the State of Hawaii, having duly considered the entire record in the above entitled matter, makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The Petition for Special Permit was filed by the MAUNA ZIONA CHURCH and the STATE DEPARTMENT OF LAND AND NATURAL RESOURCES to allow the establishment of a private school and auxiliary purposes on approximately 1.44 acres of land situated within the State Land Use Agricultural District at Kalaoa, North Kona, Hawaii, Tax Map Key 7-3-04: 5.
2. The subject property is on the former Kalaoa School site located along the mauka side of the old government road and to the south of the Mauna Ziona Church at Kalaoa, North Kona.
3. The subject property is owned by the State of Hawaii and has been leased to Mauna Ziona Church for youth athletic and educational activities.
4. The Mauna Ziona Church is negotiating with the International Christian Schools for a five (5) year agreement to use the former Kalaoa School facilities.

5. International Christian Schools is currently operating a school (grades K-12) at the former Honokohau School site. This use was established through a Special Permit (SP76-256) granted by the Land Use Commission on January 20, 1977.

6. Improvements at the subject property presently include a school building, a maintenance shed, and a single family dwelling. Plans submitted by the Petitioner indicate the school building to contain approximately 1,600 square feet of floor area. This building includes a classroom, kitchen, and storage area. Approximately 242 square feet of this structure is proposed to be converted into additional toilet facilities for the proposed school.

7. The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the subject property Extensive Agriculture and Alternate Urban Expansion. The County's zoning designation is Agricultural--20 acre (A-20a).

8. The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "D" or "Poor" for soils of the subject property. The subject site is classified as an "Urbanized Area" under the State Department of Agriculture's "Agricultural Lands of Importance to the State of Hawaii" classification system.

9. The U.S.D.A. Soil Conservation Service's Soil Survey Report, dated December, 1973, identifies the soils of the subject property as the Punaluu Series. The surface layer is about four (4) inches thick underlain by pahoehoe lava bedrock. The pahoehoe lava is very slowly permeable although water moves rapidly through the cracks. Runoff is slow, and the erosion hazard is slight for these soils.

10. The average annual rainfall for the subject area is approximately 45 inches. Elevation of the site is approximately 1,760 feet above the mean sea level.

11. Access to the subject property is from the Old Mamalahoa Highway. The Mamalahoa Highway has a right-of-way width ranging between 35 to 50 feet and a pavement width of between 10 to 12 feet at the subject property.

12. The Petitioner, Mauna Ziona Church, has stated that the requested use will not adversely affect surrounding properties nor unreasonably burden public agencies to provide services and facilities.

13. The State Health Department has cited applicable health regulations to which the Petitioner must comply in establishing the proposed use.

14. The County Department of Public Works has stated that the roadway from the State Highway to the driveway of the subject property should be improved to a width of 16 feet of A. C.

15. The County Department of Water Supply has indicated that water service to the subject property would be limited to a single family residential meter for domestic usage.

16. Other governmental agencies cooperating in the review of the subject permit request, including the Department of Research and Development, Police Department, Department of Agriculture, Department of Education, Hawaii Electric Light Co., Ltd., and U.S.D.A. Soil Conservation Service had no objections to the requested use.

17. The Hawaii Planning Department has recommended approval of the subject request.

18. The Hawaii County Planning Commission conducted

a public hearing on the application for Special Permit on April 26, 1979.

CONCLUSIONS OF LAW

1. "Unusual and reasonable" uses other than those which are permitted in an Agricultural District may be permitted by Special Permit pursuant to HRS, Chapter 205-6, and State Land Use Commission District Regulation, Part V.

2. The approval of the subject request will not be contrary to the objective sought to be accomplished by the State Land Use Law and Regulations. The Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The purpose of the subject request is to allow the establishment of a private school at the site of the former Kalaoa School. Although the subject property is within the State Land Use Agricultural District, it has long been used for non-agricultural activities. This is reflected in its designation as an "Urbanized Area" under the State Department of Agriculture's "Agricultural Lands of Importance to the State of Hawaii" classification system. As the subject request is essentially to re-establish the prior school use of the property under consideration, it is determined that the approval of the subject request would not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

3. The proposed use is consistent with the policies of the General Plan of providing a variety of educational opportunities for the island's population. Present trends and needs have arisen which reflect a desire for private school

facilities. The establishment of a private school at the subject property would increase the educational opportunities available to the island's young people as well as alleviate some of the pressures on the existing public school system.

4. The proposed use will not adversely affect surrounding properties. Existing on the property is one (1) classroom building, a shed, and a single family dwelling. The classroom building has been in existence for many years and has been used for purposes similar to the proposed use. The Petitioners intend to rehabilitate and/or improve the existing structures. Surrounding land uses include the Mauna Ziona Church, scattered single family dwellings, agricultural activities and vacant lands. It is determined that the establishment of the proposed will not adversely affect surrounding properties in that a similar school use was previously established. Further, the proposed use is deemed to be compatible with surrounding land uses.

5. The proposed use will not unreasonably burden public agencies to provide additional services or facilities. Although there are current deficiencies in the water supply available and the roadway conditions, these concerns can be addressed through conditions of approval. In addition, the proposed school will alleviate some of the pressure on the existing public system.

6. The use described in the Petition is an unusual and reasonable use pursuant to HRS Chapter 205-6, and State Land Use Commission District Regulation, Part V.

#### DECISION AND ORDER

IT IS HEREBY ORDERED that Special Permit Number 79-344, for the establishment of a private school and auxiliary purposes

on approximately 1.44 acres of land situated within the State Land Use Agricultural District at Kalaoa, North Kona, Hawaii, Tax Map Key 7-3-04: 5, be approved subject to the following conditions:

1. That the Plan Approval process shall be complied with.
2. That the proposed uses shall be established within one (1) year from the effective date of approval of the Special Permit.
3. That the petitioners, or their authorized representative, shall submit plans and make the necessary improvements to the Old Government Mauka Road meeting with the approval of the Chief Engineer.
4. That the requirements of the State Department of Health and the Department of Water Supply shall be complied with.
5. That all other applicable rules, regulations and requirements shall be complied with.
6. That failure to comply with any of the foregoing conditions, particularly those relating to time commencement and expiration, shall be reason for termination of the Special Permit, unless an extension is requested prior to the expiration date and approved.

DATED: Honolulu, Hawaii, August 29, 1979.

LAND USE COMMISSION

By C. W. Duke  
C. W. DUKE  
Chairman and Commissioner

By Shinichi Nakagawa  
SHINICHI NAKAGAWA  
Vice Chairman and Commissioner

By Shinsei Miyasato  
SHINSEI MIYASATO  
Commissioner

By Mitsuo Oura  
MITSUO OURA  
Commissioner

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GEORGE R. PASCUA  
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CAROL B. WHITESELL  
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Commissioner